

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENNETH RAYMOND	:	
McKETTRICK,	:	
	:	Civil Action No. 4: 06-CV-329
Plaintiff,	:	
	:	(Judge McClure)
v.	:	
	:	(Magistrate Judge Blewitt)
TROY WILLIAMSON, et al.,	:	
	:	
Defendants.	:	

O R D E R

July 17, 2006

BACKGROUND:

On July 13, 2006, we adopted magistrate Judge Blewitt's report and recommendation in full, dismissed McKettrick's claims against several defendants in his amended complaint, allowed McKettrick to only proceed with his First Amendment retaliation claim against defendant Mconnell, and remanded the case to the magistrate judge for further proceedings. McKettrick did not file any objections to the magistrate's report. Later that same day McKettrick filed a motion for an extension of time to file his objections. That motion indicates that McKettrick is currently housed in the special management unit at USP-Lewisburg and therefore has limited access to legal materials.

As a pro se prisoner, McKettrick is entitled to the prisoner mailbox rule which means a document is deemed filed when it is deposited in the prison mailroom. See Houston v. Lack, 487 U.S. 266, 270-71 (1988); United States v. Fiorelli, 337 F.3d 282, 289 (3d Cir. 2003) (quoting In re Flanagan, 999 F.2d 753, 759 (3d Cir. 1993)) (“[T]he prison mailroom is essentially ‘an adjunct of the clerk’s office,’ and a jurisdictionally sensitive document is deemed filed on deposit.”); see also Burns v. Morton, 134 F.3d 109, 113 (3d Cir. 1998) (holding pro se prisoner’s habeas petition is deemed filed at the moment he delivers it to prison officials for mailing to the district court). Thus, it is likely that McKettrick requested his extension of time within his time for filing objections. Therefore, we will vacate our July 13, 2006 order adopting the magistrate’s report and recommendation (Rec. Doc. No. 16) and will grant McKettrick an extension until August 1, 2006 to file his objections to the magistrate judge’s report and recommendation.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The clerk is directed to vacate our order of July 13, 2006 (Rec. Doc. No. 16), and docket this order.
2. McKettrick’s motion for an extension of time to file objections to the report and recommendation is granted. (Rec. Doc. No. 17.) McKettrick shall have until August 1, 2006 to file his objections.

3. The court shall take action on the magistrate judge's report and recommendation after the filing of McKettrick's objections.

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge